

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4768 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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HASANALI MOHAMMAD RANDERA

Versus

PROJECT ADMINISTRATOR

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Appearance:

MR IS SUPEHIA for Petitioner  
MR SP HASURKAR for Respondent No. 1,  
MR VB GHARANIA for Respondent No.2.

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/08/1999

ORAL JUDGEMENT

1. Rule. Shri S.P. Hasurkar waives service of rule  
on behalf of the respondent No.1 and Shri V.B. Gharania  
waives service of rule on behalf of the respondent No.2.  
With the consent of the learned counsel for the parties,  
the matter is taken up for final hearing today.

Heard the learned counsel for the parties.

2. The petitioner was appointed as Driver in the pay scale of Rs.950-1500 by the respondent No.2 and he was sent on deputation to the respondent No.1 in the year 1985. The respondent No.1 under its order dated 27th March, 1995 treated the petitioner as peon-cum-driver in the pay scale of Rs.750-940. That order has been challenged by the petitioner before the Gujarat Civil Services Tribunal and the same has been quashed and set aside. The Tribunal has held that from the original appointment letter of the petitioner dated 28-11-1985 and the rectification letter dated 6-8-1994 of the respondent No.1, it establishes beyond doubt that the petitioner was appointed in the office of the respondent No.3 as Driver in the pay scale of Rs.950-1500. Once this fact has been established and decided inter-se between the parties, the order of the respondent No.1 dated 25th May, 1999 repatriating the petitioner to the post of peon-cum-driver is wholly arbitrary and unjustified and it cannot be allowed to stand.

3. In the result, this special civil application is allowed and the order of the respondent No.1 dated 25th May, 1999 repatriating the petitioner as peon-cum-driver is quashed and set aside. Rule is made absolute accordingly with no order as to costs.

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